

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

IT IS HEREBY STIPULATED and AGREED by and between Daniel G. Bogden, United States Attorney, Cristina Silva, Assistant United States Attorney, Saraliene S. Durrett, defense counsel for defendant Sabir Philimon, and Bret Whipple, defense attorney for Alfonso Lobas, that the motions hearing currently set for Thursday, January 17, 2013, at 10:00 a.m. be continued to a time convenient to this Court, but in no event sooner than March 4, 2013.

This Stipulation is entered into for the following reasons:

1. The parties are attempting to reach a resolution to this matter prior to the hearing, but they anticipate needing more time to do so;

2. Counsel for defendant Philimon has been in communication with Assistant United States Attorney Cristina Silva and with counsel for Defendant Lobas and there is no objection to the continuance as outlined above:

3. Denial of this request for continuance of the motions hearing will deny the parties of the opportunity to resolve this matter prior to the hearing. Resolving the matter prior to the hearing will eliminate the need for the hearing and will prevent the parties and the Court from spending needless time on the hearing;

1 4. Additionally, denial of this request would result in a miscarriage of justice;

2 5. For all the above-stated reasons, the ends of justice would best be served by a

3 continuance of the motions hearing currently set for January 17, 2013, at 10:00 a.m.;

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5 6. The additional time requested in this Stipulation is excludable in computing the time
6 within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States
7 Code, Section 3161(h)(1)(D) and 3161(h)(7)(A) when considering the factors under Title 18, United
8 States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv). The parties acknowledge that if a
9 resolution is not met prior to the rescheduled hearing date, they may need to seek a continuance of
10 the trial date.

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12 7. This is the first request for continuance of the motions hearing on behalf of the
13 parties.

14

15 **DATED** this 17th day of January 2013.

16 **UNITED STATES ATTORNEY**

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18 _____
19 /s/ Cristina Silva
20 **CRISTINA SILVA, ESQ.**
21 Assistant United States Attorney
22 333 Las Vegas Blvd. South
23 Suite 5000
24 Las Vegas, Nevada 89101
25 Attorney for Plaintiff

16 **ATTORNEY FOR DEFENDANT**
17 **SABIR PHILIMON**

18 _____
19 /s/ Saraliene S. Durrett
20 **SARALIENE S. DURRETT, ESQ.**
21 CHESNOFF & SCHONFELD
22 520 South Fourth Street
23 Las Vegas, Nevada 89101

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25 **ATTORNEY FOR DEFENDANT**
26 **ALFONSO LOBAS**

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28 _____
29 /s/ Bret Whipple
30 **BRET O. WHIPPLE**
31 LAW OFFICE OF BRET WHIPPLE
32 1100 S. 10th Street
33 Las Vegas, NV 89104
34 702 257-9500

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. 2:12-CR-00109-LDG-PAL
v.)
ALFONSO LOBAS,)
SABIR PHILIMON,)
Defendants.)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Based upon the pending Stipulation of counsel, and good cause appearing, the Court finds

that:

1. The parties are attempting to reach a resolution to this matter prior to the hearing, but they anticipate needing more time to do so;

2. Counsel for defendant Philimon has been in communication with Assistant United States Attorney Cristina Silva and with counsel for Defendant Lobas and there is no objection to the continuance as outlined above;

3. Denial of this request for continuance of the motions hearing will deny the parties of the opportunity to resolve this matter prior to the hearing. Resolving the matter prior to the hearing will eliminate the need for the hearing and will prevent the parties and the Court from spending needless time on the hearing;

4. Additionally, denial of this request would result in a miscarriage of justice;

5. For all the above-stated reasons, the ends of justice would best be served by a

continuance of the motions hearing currently set for January 17, 2013, at 10:00 a.m.;

6. The additional time requested in this Stipulation is excludable in computing the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and 3161(h)(7)(A) when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv). The parties acknowledge that if a resolution is not met prior to the rescheduled hearing date, they may need to seek a continuance of the trial date; and

7. This is the first request for continuance of the motions hearing on behalf of the parties.

ORDER

IT IS HEREBY ORDERED that the motions hearing currently set for January 17, 2013, at the hour of 10:00 a.m., in Courtroom 3B, is hereby **VACATED** and **RESET** for the 5th day of March, 2013, at the hour of 10:00 a.m.

DATED this 39 day of Sept { 2013 }, 2013.

Peggy A. Leen
THE HONORABLE PEGGY LEEN
UNITED STATES MAGISTRATE JUDGE

Submitted by:

CHESNOFF & SCHONFELD

/s/ Saraliene S. Durrett
SARALIENE S. DURRETT, ESQ.
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Sabir Philimon